

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DINÉ CITIZENS AGAINST RUINING
OUR ENVIRONMENT, et al.,

Plaintiffs,

v.

U.S. BUREAU OF LAND MANAGEMENT,
et al.,

Federal Defendants.

Case No. 1:20-cv-00673-KG-JHR

JOINT STATUS REPORT AND MOTION TO EXTEND STAY

Plaintiffs, Federal Defendants, and Defendant-Intervenor EOG Resources, Inc. hereby submit this Joint Status Report pursuant to the Court’s Order of February 10, 2022 (ECF No. 58). As further explained below, the Parties have reached a settlement agreement in principle and seek an extension of the stay of this case by an additional 28 days, until March 16, 2022, to allow the Parties to secure the necessary approvals of that agreement.

Plaintiffs in this case challenge oil and gas leasing decisions by the Bureau of Land Management (“BLM”) pursuant to three lease sales in the Rio Puerco and Farmington Field Offices. On December 21, 2021, Federal Defendants filed a motion seeking voluntary remand of BLM’s leasing decisions without vacatur to allow BLM to review the challenged decisions via its administrative process. ECF No. 47. On January 18, 2022, Plaintiffs and EOG filed responses indicating that they are open to remand, but Plaintiffs seek remand with vacatur while EOG supports remand without vacatur. ECF No. 50 at 1; ECF No. 51 at 1. Then, on January 19, 2022,

Plaintiffs filed a motion for a preliminary injunction. ECF No. 52. That motion seeks, as an alternative remedy to vacatur, an injunction enjoining BLM from approving new Applications for Permit to Drill (“APDs”) on the challenged leases and enjoining further ground disturbance and oil and gas development on the APDs that BLM has already approved. ECF No. 52 at 1.

As explained in the Parties’ previous filings (ECF No. 55 & 57), shortly after Plaintiffs filed their motion for a preliminary injunction, the Parties entered into discussions to determine if they could resolve the concerns raised in that motion outside of motion practice. Those discussions broadened to include the case as a whole. The Parties are now pleased to report that they have reached a settlement agreement in principle that would resolve the entire case.

The Parties respectfully request a continuation of the stay of this case by an additional 28 days, until March 16, 2022, to seek formal approval of the settlement agreement by the appropriate representatives of the Parties. For example, Federal Defendants will need to secure approval of relevant officials within both the U.S. Department of the Interior and the U.S. Department of Justice.

On or before March 16, 2022, the Parties propose that they file a joint motion seeking the Court’s approval of the settlement agreement if they obtain the necessary approvals by that date. If the Parties have not obtained the necessary approvals, the Parties propose that they file a joint status report updating the Court as to the status of the Parties’ discussions and proposing a schedule for future proceedings. To maintain the status quo in the interim, with the exception of developing and producing the single well that has already been spud on the leases, EOG agrees to not engage in any ground-disturbing activity on the challenged leases during the stay period, until March 16, 2022.

Respectfully submitted this 16th day of February, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2022, I filed the foregoing electronically through the CM/ECF system which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Clare Boronow

Clare Boronow
Attorney for Federal Defendants